

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ARIGNA TECHNOLOGY LIMITED,

Plaintiff,

V.

BAYERISCHE MOTOREN WERKE AG,
BMW OF NORTH AMERICA, LLC,

Defendants.

[illegible]

CIVIL ACTION NO. 2:21-CV-00172-JRG
(LEAD CASE)

V.

GENERAL MOTORS LLC, HONDA
MOTOR COMPANY, LTD., AMERICAN
HONDA MOTOR COMPANY, INC.,
NISSAN MOTOR COMPANY, LTD.,
NISSAN NORTH AMERICA, INC.,

Defendants.

CIVIL ACTION NO. 2:21-CV-00174-JRG
(MEMBER CASE)

ORDER

On August 24, 2021, several cases involving Plaintiff Arigna Technology Limited (“Arigna”) were consolidated for all pretrial purposes with Case No. 2:21-cv-00172 designated as the Lead Case. (Dkt. No. 37). In each of the various consolidated cases, one or more defendants filed motions to dismiss for improper venue raising substantially similar issues—namely, whether such defendants in the automotive industry are subject to venue under 28 U.S.C. § 1400(b) based on their relationships with respective exclusive dealerships within this District. (*See generally* Case No. 2:21-cv-00172, Dkt. Nos. 25, 50, 56; Case No. 2:21-cv-00175, Dkt. No. 32).¹

¹ The Court notes that Arigna has voluntarily dismissed its claims in Case No. 2:21-cv-00175 (Case No. 2:21-cv-00172, Dkt. Nos. 170, 171).

Now before the Court is Defendants' Motion to Stay Pending Venue Questions Pending Before the Federal Circuit (the "Motion to Stay") filed on December 17, 2021, and fully briefed on January 13, 2022. (Dkt. Nos. 138, 144, 152, 158). The Court has considered such briefing. The Court is also aware of two other cases pending before the Federal Circuit. Specifically, the Court notes that the Federal Circuit will likely soon reach decisions in *In re: Volkswagen Group of America, Inc.*, No. 22-108 (Fed. Cir. 2021) and *In re: Hyundai Motor America*, No. 22-109 (Fed. Cir. 2021). These cases involve venue questions substantially similar to the issues before this Court in the above-captioned cases.


Given that it is reasonably likely that the Federal Circuit will issue precedential guidance related to the venue issues in the above-captioned cases within the next thirty days, the Court finds that a short stay—targeted to those defendants contesting venue on such grounds—is warranted so as to gain the benefit of such guidance. Accordingly, the Court **GRANTS-AS-MODIFIED** the Motion to Stay. It is **ORDERED** that the Clerk of the Court **DECONSOLIDATE** Case No. 2:21-cv-00172 and Case No. 2:21-cv-00174.

Regarding Case No. 2:21-cv-00172, the Court **STAYS** the case until the Federal Circuit issues further guidance on the venue issues raised therein or until further Order of the Court. It is further **ORDERED** that at such time as the Federal Circuit issues opinions in *In re: Volkswagen Group of America, Inc.*, No. 22-108 (Fed. Cir. 2021) and *In re: Hyundai Motor America*, No. 22-109 (Fed. Cir. 2021), the parties in Case No. 2:21-cv-00172 shall file a Joint Status Report within seven (7) days notifying this Court of such opinions and setting forth their positions as to what impact these decisions have on the -172 case. Such report shall be joined in by lead counsel (and local counsel to the extent local counsel have appeared therein) for each party.

Regarding Case No. 2:21-cv-00174, the Court **SEVERES** all claims between Arigna and Defendants Honda Motor Co., Ltd. and American Honda Motor Co., Inc. (the “Severed Defendants”) from the -174 case. The Clerk of the Court shall open a new case number into which all claims between Arigna and the Severed Defendants shall be moved, leaving unaffected the claims between Arigna and Defendants General Motors LLC, Nissan Motor Company, Ltd., and Nissan North America, Inc. in Case No. 2:21-cv-00174. The claims between Arigna and Defendants General Motors LLC, Nissan Motor Company, Ltd., and Nissan North America, Inc. remaining in Case No. 2:21-cv-00174—wherein venue is not challenged—shall proceed under the Court’s existing Docket Control Order (Case No. 2:21-cv-00172, Dkt. No. 150).

Regarding the severed action between Arigna and the Severed Defendants, the Court **ORDERS** that all claims and deadlines between the parties are **STAYED** until the Federal Circuit issues further guidance on the venue issues described above or until further Order of the Court. It is further **ORDERED** that at such time as the Federal Circuit issues opinions in *In re: Volkswagen Group of America, Inc.*, No. 22-108 (Fed. Cir. 2021) and *In re: Hyundai Motor America*, No. 22-109 (Fed. Cir. 2021), the parties in the severed action shall file a Joint Status Report within seven (7) days notifying this Court of such opinions and setting forth their positions as to what impact these decisions have on the severed case. Such report shall be joined in by lead counsel (and local counsel to the extent local counsel have appeared therein) for each party.

So ORDERED and SIGNED this 1st day of February, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE